



Congress of the United States
House of Representatives
Washington, DC 20515

MEMORANDUM

To: Cannabis Stakeholders

From: Congressional Cannabis Caucus Founder and Co-Chair Earl Blumenauer (D-OR)

Date: January 3, 2023

Year in Review: Cannabis Reform on Capitol Hill and Beyond

As my 50th year in cannabis reform comes to a close, I want to reflect on our progress and share my optimism at the cannabis reforms that are possible because of the ongoing work to create a more rational, just path forward.

This was a year for the books, and cannabis reform has been no exception. Three states (Delaware, Minnesota, and Ohio) legalized adult-use marijuana and made crucial restorative reforms like expungement and investments in social equity programs. There are now 38 states with medical cannabis programs and 24 states with legal adult-use marijuana. More than half of the U.S. population now lives in jurisdictions with legal adult-use marijuana. Seven in 10 Americans think marijuana use should be legal, an increase reflecting historic support for this common-sense policy.

We also continued to learn more about the impacts of cannabis use on mental health, brain development, pregnancy, and more through critical research. We have known for some time that recreational use of cannabis represents a hazard to young people. Regulating underage use is one of the early reasons I got involved in reform. Now, new research has shown that consuming THC while pregnant affects fetal development. The ability to study cannabis remains a top priority to ensure we have the information we need for education and guidance. This critical to keep people safe as we learn more about the impacts cannabis consumption while also taking full advantage of the tremendous therapeutic potential of the substance.

At the federal level, the Biden Administration's scheduling review progressed, with the Department of Health and Human Services reportedly recommending rescheduling to Schedule III. At the end of 2023, President Biden pardoned additional offenses for simple marijuana possession under Washington, D.C. and federal law while also urging Governors to pardon state offenses for simple marijuana possession. Meanwhile, members of Congress championed a variety of policies aimed to end the antiquated federal cannabis prohibition and address the harm caused by the discrepancies between state and federal laws. This tremendous bipartisan investment in cannabis reform sets the stage for a productive year ahead.

Despite challenges in Congress, there are significant steps forward to celebrate as we reflect on the path forward:

Congressional Advancement on Cannabis

- *The SAFE(R) Banking Act* (S. [2860/H.R. 2891](#)) (Joyce, Blumenauer, Daines, Merkley) will allow depository institutions to provide banking services to legitimate cannabis-related businesses, including loans and other financial services. This legislation has passed the House on seven separate occasions and for the first time made progress in the Senate, where it awaits further action on the Senate floor. *Referred favorably by the Senate Committee on Banking, Housing, and Urban Affairs.*
- *The Veterans Safe Harbor Equal Access Amendment* ([Mast #12](#)) (Mast, Blumenauer, Joyce, Lee) to allow Department of Veterans Affairs health providers to discuss state-legal medical cannabis and complete forms in compliance with state-legal medical cannabis programs. *Passed the House as an Amendment to the House Military Construction, Veterans Affairs, and Related Agencies (MilCon-VA) appropriations bill. Passed the Senate in the Senate MilCon-VA bill.*
- *The CURE (Cannabis Users Restoration of Eligibility) Act* ([H.R. 5040](#)) (Raskin, Mace, Blumenauer) to prevent prior marijuana use from denying otherwise qualified individuals from receiving security clearance. *Referred favorably by the House Committee on Oversight and Accountability.*
- *The VA Medicinal Cannabis Research Act* ([S. 326](#)) (Tester, Sullivan, Correa, Bergman) to require the Department of Veterans Affairs to conduct clinical trials of the effects of medical-grade cannabis, not just cannabidiol (CBD), on the health outcomes of covered veterans. *Referred favorably by the Senate Committee on Veterans' Affairs.*

Introduced Policy Initiatives

- **Descheduling, Sentencing Reform, and Regulation:**
 - *The Marijuana Opportunity Reinvestment and Expungement (MORE) Act* ([H.R. 5601](#)) (Nadler, Blumenauer, Lee, Jackson Lee, Velazquez) to remove marijuana from the Controlled Substances Act, provide for expungement or resentencing of most prior marijuana offenses, and regulate marijuana with measures including a 5% sales tax to invest in communities most adversely impacted by the failed War on Drugs. This legislation passed the House of Representatives during the 116th and 117th Congresses.
 - *Blumenauer-McClintock-Norton-Lee Appropriations Language* to prohibit federal Department of Justice prosecution against state- or Tribal-legal cannabis.
 - *The Harnessing Opportunities by Pursuing Expungement (HOPE) Act* ([H.R. 2677](#)) (Joyce, Ocasio-Cortez) to create a Department of Justice grant program to

reduce states and local governments financial and administrative burden of expunging convictions for cannabis offenses under the laws of that state. Mandates reporting by states on the cost of cannabis criminalization and impacts on certain communities and the association between cannabis arrests and reentry into the criminal justice system.

- *Bipartisan Letter to the U.S. Attorney General and Secretary of Health and Human Services* calling for transparency and accountability in the federal review of the scheduling of marijuana under the Controlled Substances Act (March 2023).
- *Blumenauer-Joyce-Lee-Mast Letter to the Drug Enforcement Administration* urging that the agency recognize the merits of full descheduling and pursue the descheduling of marijuana in partnership with congressional leaders (October 2023).
- *Bicameral Letter to the Secretary of the Treasury and the Financial Crimes Enforcement Network (FinCEN)* urging FinCEN to update its outdated red flags guidance on banking marijuana-related businesses (November 2023).
- **Veterans and Research:**
 - *The Veterans Equal Access Act* ([H.R. 2431](#)) (Mast, Blumenauer) to allow Department of Veterans Affairs health providers to discuss state-legal medical cannabis and complete forms in compliance with state-legal medical cannabis programs.
 - *Letter to the Departments of Veterans Affairs and Defense* rejecting their misguided denial of services by categorically recommending against the use of medical marijuana as a treatment option for veterans with post-traumatic stress disorder (July 2023).
 - *Blumenauer-Joyce-Lee Letter to the Department of Veterans Affairs* calling for reconsideration of the department's prohibition on providers giving patients their best recommendations or referrals on medical marijuana in compliance with state regulation (August 2023).
 - *Communications urging the Department of Health and Human Services to expeditiously release the agency's report on cannabis research as required in the Medical Marijuana and Cannabidiol Research Expansion Act.*
- **Hemp**
 - *The Hemp Access and Consumer Safety Act* ([H.R. 4849](#)) (Blumenauer, Wyden, Paul, Merkley) to ensure the U.S. Food and Drug Administration is authorized to regulate hemp and hemp-derived cannabidiol (CBD) products.

- *The Free to Grow Act* ([H.R. 1428](#)) (Trone) to lift the antiquated 10-year bar on those with drug convictions from cultivating hemp.

Looking Forward

Throughout the year, my Congressional Cannabis Caucus partners and I brought together a broad coalition of members from diverse communities around the country who all agree: it is time for Congress to embrace rational federal cannabis policy. In the year ahead, we will continue to host monthly caucus briefings, including the quarterly Cannabis Working Group meetings bringing staff and stakeholders across space to pave the path forward.

Cannabis is a winning issue. With election season nearly upon us and the Biden-Harris Administration completing its formal [review of the scheduling of marijuana](#), President Biden should keep in mind that no one has been penalized by voters for their embrace of cannabis reform. President Biden himself owes his victory in Arizona to the young voters who turned out for their marijuana legalization measure. Ohio's ballot measure is our most recent victory at the ballot box with Florida set to legalize adult-use marijuana next.

Despite dysfunction in Congress, we can accomplish significant reforms in cannabis in 2024. It is a commonsense issue that can bring people together rather than divide them.

In my final year in Congress, and then in the talented hands of the 119th Congress Cannabis Caucus Co-Chairs, we will take bold action to end the failed war on drugs once and for all.